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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re K.C., a Person Coming Under the  
Juvenile Court Law.

B249207

(Los Angeles County  
Super. Ct. No. TJ20192)

THE PEOPLE,

Plaintiff and Respondent,

v.

K.C.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County,  
Tamara Hall, Judge. Affirmed as modified.

Bruce G. Fienbaum, under appointment by the Court of Appeal, for  
Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant  
Attorney General, Lance E. Winters, Senior Assistant Attorney General, Steven D.  
Matthews and Analee J. Brodie, Deputy Attorneys General, for Plaintiff and Respondent.

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K.C.. appeals from the juvenile court's declaring him a ward of the court and directing that he remain home on probation after finding he committed petty theft. We affirm the order as modified.

### **FACTUAL AND PROCEDURAL BACKGROUND**

After K.C., then 14 years old, stole packages of balloons and gum from a grocery store on July 13, 2012, a Welfare and Institutions Code section 602 petition was filed alleging K.C. had committed commercial burglary in violation of Penal Code section 459, a felony. Represented by counsel, K.C. denied the allegation.

On October 3, 2012, the juvenile court granted the People's motion to amend the petition to add a second count of misdemeanor petty theft (Pen. Code, § 484) and to dismiss count 1, the commercial burglary allegation. Without adjudging K.C. a ward of the court, the juvenile court continued the jurisdiction hearing and placed K.C. on a six-month program of informal supervision pursuant to Welfare and Institutions Code section 654.2.

On April 3, 2013, the juvenile court terminated informal supervision due to K.C.'s poor performance on the program.

At the conclusion of the jurisdiction hearing on April 30, 2013, the juvenile court found the petty theft allegation true and sustained the petition. During the disposition hearing the same day, the court ordered K.C. home on probation and calculated a six-month maximum period of confinement.

### **DISCUSSION**

The parties agree the juvenile court calculated a six-month maximum period of confinement that is of no legal effect because K.C. was not ordered removed from the physical custody of his parent or guardian. (See Welf. & Inst. Code, § 726, subd. (c); *In re Matthew A.* (2008) 165 Cal.App.4th 537, 541 [court required to specify maximum period of physical confinement only when minor removed from physical custody of his or her parent or guardian]; *In re Ali A.* (2006) 139 Cal.App.4th 569, 573-574 [same].) Accordingly, we strike that term from the court's minute order.

## **DISPOSITION**

The April 30, 2013 minute order is amended to strike the maximum term of confinement. As modified the order is affirmed.

**WOODS, J.**

**We concur:**

**PERLUSS, P.J.**

**SEGAL, J.\***

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.